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11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA,) No. 4-06-70378-WDB
16 Plaintiff,) ORDER AND STIPULATION FOR
17 v.) CONTINUANCE FROM JUNE 27, 2006
18 LAWRENCE LEE WILLIAMS, JR.,) THROUGH JULY 21, 2006 AND
19 Defendant.) EXCLUDING TIME FROM THE SPEEDY
20) TRIAL ACT CALCULATION (18 U.S.C. §
21) 3161(h)(8)(A)) AND WAIVING TIME
22) LIMITS UNDER RULE 5.1

23 With the agreement of the parties, and with the consent of the defendant, the Court enters
24 this order scheduling an arraignment or preliminary hearing date of July 21, 2006 at 10:00A.M.
25 before the Honorable Wayne D. Brazil, and documenting the defendant's waiver of the
26 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
27 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 27, 2006, to July 21, 2006. The
28 parties agree, and the Court finds and holds, as follows:

1. The defendant appeared before the Court on June 27, 2006 and was represented by
2. Assistant Federal Public Defender Elizabeth Falk. Defendant was released on a bond.
2. The defendant has yet to make his initial appearance in case number CR 06-0366-MJJ,
3. having been in custody on state charges underlying the above-captioned case. Defendant is
represented in that case by Assistant Federal Public Defender Hilary Fox.
3. Judge Brazil has asked that the two matters be calendared together upon his return

FILED

JUN 29 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 during the week of July 17, 2006.

2 4. Government counsel will be out of the district the first two weeks of July, 2006.

3 5. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
4 3161(h)(8)(B)(iv) for continuity of counsel and to provide reasonable time necessary for
5 effective preparation, taking into account the exercise of due diligence.

6 6. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
7 preliminary hearing.

8 7. Counsel for the defense believes that postponing the preliminary hearing is in her
9 client's best interest, and that it is not in her client's interest for the United States to indict the
10 case during the normal 20-day timeline established in Rule 5.1.

11 8. After a hearing on this matter on June 27, 2006, the Court finds that, taking into
12 account the public interest in the prompt disposition of criminal cases, these grounds are good
13 cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal
14 Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by
15 excluding the period from June 27, 2006 through July 21, 2006, outweigh the best interest of the
16 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

17 9. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
18 hearing date before the Honorable Wayne D. Brazil on July 21, 2006 at 10:00 a.m., and (2)
19 orders that the period from June 27, 2006 through July 21, 2006 be excluded from the time
20 period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy
21 Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

22
23 IT IS SO STIPULATED:

24 DATED: 6/28/06

/s/

25 ELIZABETH FALK
Assistant Federal Public Defender

26 DATED: 6/28/06

/s/

27 MICHELLE MORGAN-KELLY
Assistant United States Attorney

1 IT IS SO ORDERED.

2 DATED: June 29, 2006


3 NANDOR J. VADAS
4 United States Magistrate Judge